



*(Affidavit #4 of Carmel Yoko Richter and Sherwin Jack-Yen Ho)
(Sworn March 4, 2014)*

NO. VLC-S-H-121044
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

HOME TRUST COMPANY

PETITIONER

AND:

STEWART EDWARD IRVINE,
CARMEL YOKO RICHTER,
SHERWIN JACK-YEN HO,
OLYMPIA TRUST COMPANY, IN TRUST
JOHN DOE and JANE (Tenants)

RESPONDENTS

AFFIDAVIT

We, Carmel Yoko Richter, Investor, of Coquitlam, British Columbia and Sherwin Jack-Yen Ho, Businessman, of Vancouver, British Columbia, SWEAR OR AFFIRM THAT:

1. We are the lenders in connection with the second mortgage and have been involved with the attempted collection of the loan. We have reviewed all pertinent information. As such, we have personal and direct knowledge of the matters and facts hereinafter deposed to.

2. Now shown to us and attached to this our Affidavit, marked **Exhibit "A"** is a copy of the Requisition, filed by Mr. Andrew Bury, Counsel for the Petitioner, on 20th February, 2014. The cheque, showing payment into Court, is attached as well. The amount paid into Court is \$111,516.51.

6. We make this Affidavit in support of this foreclosure action as well as in support of our application for payment out of Court of all the excess funds paid into Court on February 20, 2014 by the Petitioner.

**SWORN BEFORE ME at Vancouver,
British Columbia, this 4th day of
March, 2014.**

SHERWIN JACK-YEN HO

CARMEL YOKO RICHTER

Commissioner for taking Affidavits in British Columbia

Jack Micner
Barrister and Solicitor
Suite 440-5900 No. 3 Road
Richmond, B.C.
V6X 3P7
Telephone (604)233-7001

FEB 20 2014

VANCOUVER LAW COURTS

NO. H-121044
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

HOME TRUST COMPANY

PETITIONER(S)

AND:

STEWART EDWARD IRVINE
AND OTHERS

RESPONDENT(S)

REQUISITION

FILED BY: Home Trust Company

REQUIRED:

1. pay \$111,516.51 (cheque attached) into Court to the credit of this proceeding

THIS REQUISITION IS SUPPORTED BY THE FOLLOWING:

1. the Order made in this proceeding on December 16, 2013 (highlighted copy attached)

February 18, 2014

"Andrew Bury"

Signature of lawyer for the Petitioner
Andrew Bury

This is Exhibit " A " referred to in the
affidavit of Carmel Richter & Sherwin Ho
sworn before me at Vancouver
this 4th day of March 2014

A Commissioner for taking Affidavits
for British Columbia

gowlings

Gowling Lafleur Henderson LLP
Barristers & Solicitors - Patent & Trade Mark Agents
116 2300, 550 Burrard Street
P.O. Box 30, Bentall 5
Vancouver, British Columbia V6C 2B5

Royal Bank of Canada

1025 West Georgia Street
Vancouver, B.C. V6E 3N9

100002658
Trust Account

02-18-2014

DATE MM DD YYYY

PAY ** One hundred eleven thousand five hundred sixteen and 51/100 dollars CDN FUNDS

\$

***111,516.51

TO
THE
ORDER
OF

Minister of Finance

PER 

PER 

⑈0100002658⑈ ⑆00010⑈003⑆ 103⑈739⑈9⑈



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BETWEEN:

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AND:

STEWART EDWARD IRVINE
CARMEL YOKO RICHTER
SHERWIN JACK-YEN HO
OLYMPIA TRUST COMPANY
JOHN DOE (TENANT)
JANE DOE (TENANT)

This is Exhibit " B " referred to in the
affidavit of Carmel Richter & Sherwin Ho
sworn before me at Vancouver
this 4th day of March 2014

A Commissioner for taking Affidavits
for British Columbia

RESPONDENT(S)

BEFORE

MASTER BAKER

DECEMBER 16, 2013

ORDER MADE AFTER APPLICATION
(ORDER APPROVING SALE)

ON THE APPLICATION of the Petitioner coming on for hearing at Vancouver, BC, on
December 16, 2013; and on hearing Annie Yu, lawyer for the Petitioner;

THIS COURT ORDERS AND DECLARES THAT:

1. a sale (the "Sale") of the following lands and premises (the "Lands");

Municipality of Maple Ridge
Parcel Identifier: 017-967-465
Lot 3
Section 24
Township 12
New Westminster District
Plan LMP6975

Is approved for the price of \$623,900 to Christopher Robert Bester and Jennifer Mary
Bester, Joint Tenants (collectively, the "Purchaser");

2. on registration of a certified copy of this Order in the New Westminster land title office together with a letter from the Petitioner's lawyers authorizing its registration, the Lands and all the right, title, interest, and equity of redemption in and to the Lands of the Petitioner and the Respondents and the heirs, executors, administrators, and assigns of the Petitioner and the Respondents and all persons claiming by, through, or under them shall be conveyed to and will vest in fee simple in the Purchaser, without further instrument of transfer, free and clear of all encumbrances and certificates of pending litigation of the Petitioner and the Respondents and all persons claiming by, through, or under them;

3. all persons claiming possession of the Lands or any portion thereof shall deliver vacant possession of the Lands to the Purchaser, and shall remove all personal property from the Lands, on or before 12:00 noon on January 16, 2014;

4. If any person fails to deliver vacant possession of the Lands to the Purchaser on or before 12:00 noon on January 16, 2014, then the Petitioner shall be at liberty to apply to the Registrar for a Writ of Possession, under Rule 13-2(13) and without further Order;

5. the proceeds of the Sale, less the usual conveyancing adjustments, shall be disbursed through the trust accounts of Gowling Lafleur Henderson LLP, or any other lawyer or notary that Gowling Lafleur Henderson LLP may authorize on their behalf, as follows;

- a) firstly, in payment of outstanding taxes, water and sewer rates, and interest and penalties thereon, owing with respect to the Lands;
- b) secondly, in payment of real estate commission owing with respect to the Sale, plus GST thereon;
- c) thirdly, to the Petitioner the amount due under the mortgage which is the subject of this proceeding;
- d) the balance, if any, to be paid into Court to the credit of this proceeding;

6. the Petitioner is at liberty, with the agreement of the Purchaser, to extend the completion date of the Sale up to 10 days;

7. the Petitioner is at liberty to apply for such further and other directions as may be necessary to carry out the full purport and effect of this Order;

8. the assessed costs of and in connection with this application are awarded to the Petitioner, at Scale A.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND
CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS
BEING BY CONSENT



Signature of lawyer for the Petitioner
Annie Yu



By the Court

Digitally signed by
Berg, Mellani

Registrar

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PETITIONER(S)

AND:

STEWART EDWARD IRVINE
AND OTHERS

RESPONDENT(S)

ORDER MADE AFTER APPLICATION
(ORDER APPROVING SALE)

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GOWLING LAFLEUR HENDERSON LLP

Lawyers

P.O. Box 30

2300-550 Burrard Street
Vancouver, B.C. V6C 2B5
604-683-6498

Attention: Andrew Bury

AAB/alm
V108832

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JOHN DOE and JANE (Tenants)

RESPONDENTS

A F F I D A V I T

Our File: Cobbett & Cotton; re Richter/Ho v. Irvine et al
File no. 21,903JM

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